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REVIEWED BY *1-11/11*DATE *2/1/82*

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RDS ☐ or XDS ☐ TEXT DATE

TS AUTH. REASON(S)

ENDORSE EXISTING MARKINGS ☐DECLASSIFIED ☒ RELEASABLE ☒RELEASE DENIED ☐

PA or FOI EXEMPTIONS

4/1/72

Geneva

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ACTION 10-13

INFO OCT-01 EUR-20 GAC-01 ACDA-19 CIAE-00 DODE-00 PM-06

INR-06 L-03 NSAE-00 NASA-04 NSC-10 OST-01 RSC-01

SCI-05 AP-08 ARA-10 EA-11 NEA-09 RSR-01 E-11 /140 W
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AMEMBASSY MOSCOW

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY *3-11/11*DATE *2/18/82*

PORTIONS DENIED AS INDICATED

C O N F I D E N T I A L GENEVA 1604

SUBJECT: OUTER SPACE LEGAL: TREATY ON THE MOON

1. SUMMARY. THIS TEL CONCERNS MOON TREATY RESOURCED PROVISION AND GERMAN DESIRE PARTICIPATE IN "FRIENDLY 15" CONVERSATIONS IN CONNECTION CURRENT UN OUTER SPACE LEGAL SUBCOMMITTEE SESSION.

2. DETAILS. USSR ADVISER *1* TODAY GAVE US TEXT OF ECONOMIC RESOURCES PROVISION WHICH HE SAID HE PREPARED OVER WEEKEND IN ORDER TO GIVE SOVDEL SOMETHING FURTHER SAY ON THIS MATTER BEYOND TOM ART VIII. *1* TEXT AVOIDS US "COMMON HERITAGE" LANGUAGE AND, NEEDLESS TO SAY, MORE RADICAL ASPECTS OF INDIA/EGYPT TEXT (REPORTED GENEVA'S 1588 NOTAL). MAIORSKY TEXT READS BEGIN QUOTE

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ARTICLE VIII. (A) THE EXPLORATION AND USE OF THE MOON (AND OTHER CELESTIAL BODIES) SHALL BE THE PROVINCE OF ALL MANKIND AND SHALL BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL COUNTRIES, IRRESPECTIVE OF THEIR DEGREE OF ECONOMIC OR SCIENTIFIC DEVELOPMENT, DUE REGARD BEING TAKEN OF THE NECESSITY TO PROMOTE HIGHER STANDARDS OF LIVING AND CONDITIONS OF ECONOMIC AND SOCIAL PROGRESS AND DEVELOPMENT, IN ACCORDANCE WITH THE CHARTER. (B) THE MOON (AND OTHER CELESTIAL BODIES) IS (ARE) NOT SUBJECT TO NATIONAL APPROPRIATION BY CLAIM OF SOVEREIGNTY, BY MEANS OF USE OR OCCUPATION, OR ANY OTHER MEANS OR TRANSACTIONS WITH OR WITHOUT COMPENSATION. THE EMPLACEMENT OF VEHICLES OR EQUIPMENT ON THE SURFACE OR IN THE SUB-SURFACE OF THE MOON (AND OTHER CELESTIAL BODIES), INCLUDING THE CONSTRUCTION OF

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INSTALLATIONS INTEGRALLY CONNECTED WITH THE SURFACE OR THE SUB-SURFACE

OF THE MOON (OR OTHER CELESTIAL BODIES), SHALL NOT CREATE A RIGHT OF OWNERSHIP OVER ANY PART OF THE SURFACE OR THE SUB-SURFACE OF THE MOON (OR OTHER CELESTIAL BODIES). (C) THE STATES PARTIES SHALL HAVE THE RIGHT TO COLLECT ON THE MOON (AND OTHER CELESTIAL BODIES) FOR SCIENTIFIC PURPOSES SAMPLES OF MINERALS AND OTHER SUBSTANCES AND TO REMOVE THESE SAMPLES FROM THE MOON (AND OTHER CELESTIAL BODIES). THE SAMPLES SHALL REMAIN AT THE DISPOSAL OF THOSE STATE PARTIES WHICH CAUSED THEM TO BE COLLECTED. SUCH STATES SHALL HAVE REGARD TO THE DESIRABILITY OF MAKING SOME PORTION OF THE SAMPLES REMOVED FROM THE MOON (AND OTHER CELESTIAL BODIES) AVAILABLE TO OTHER INTERESTED STATES PARTIES FOR SCIENTIFIC INVESTIGATION. (D) ALL ACTIVITIES REGARDING THE EXPLOITATION OF THE RESOURCES OF THE MOON (AND OTHER CELESTIAL BODIES) SHALL BE GOVERNED BY THE INTERNATIONAL REGIME TO BE ESTABLISHED. THE STATES PARTIES MAY USE APPROPRIATE QUANTITIES OF THE RESOURCES OF THE MOON (AND OTHER CELESTIAL BODIES) IN CARRYING OUT SCIENTIFIC INVESTIGATIONS IN FURTHERANCE OF THE PROVISIONS OF THIS TREATY. END QUOTE.

BEGIN COMMENT: (A) AS FAR AS IT GOES, SOVDEL TEXT WOULD NOT APPEAR TO RAISE ANY PROBLEMS, MINOR DRAFTING ASPECTS ASIDE. WE WILL PROCEED ON THIS BASIS UNLESS OTHERWISE INSTRUCTED. (B) HOWEVER, NOTWITHSTANDING [REMARK, SCATTERED CORRIDOR CONVERSATIONS INDICATE FEW DELEGATES OUTSIDE EES OPTIMISTIC ON PROSPECT FOR FINAL TOM AGREEMENT THIS SESSION. THERE IS CONSIDERABLE CONCERN THAT AGREED TEXT BE SUBSTANTIVELY SOUND AND GENUINE ADDITION TO BASIC OUTER SPACE TREATY. THIS SENTIMENT, PLUS LIKELY DIFFERENCES ON RESOURCES PROBLEM, MAY BE ENOUGH TO PUT FINAL AGREEMENT BEYOND END OF CURRENT SESSION. END COMMENT.

4. FURTHER ON ECONOMIC RESOURCES, IN ACCORDANCE WITH POSITION PAPER WE HAVE TODAY TABLED PARA 3 OF US REVISION OF ART VIII ENVISAGING NEGOTIATING AGREED ARRANGEMENTS FOR APPROPRIATE INTERNATIONAL SHARING OF EXPLOITATION BENEFITS WHEN PROSPECT OF SUCH EXPLOITATION BECOMES REAL. WE DID SO IN ORDER MEET PROBLEM CREATED BY INDIAN/ EGYPTIAN TEXT WHICH IS, IN OUR VIEW, UNACCEPTABLE. WE NEED TO BE

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SURE THAT OTHER MEMBERS UNDERSTAND THAT US "COMMON HERITAGE" LANGUAGE DOES NOT RPT NOT MEAN THAT CB RESOURCES BELONG TO ALL STATES WITHOUT NEED FOR FUTURE NEGOTIATION OF AGREED ARRANGEMENTS.

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